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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General, Francis Deng, submitted pursuant to Commission on Human Rights resolution 2001/54

Addendum

The Representative of the Secretary-General on internally displaced persons, in conformity with Commission resolution 2001/54 in which the Commission encouraged the dissemination and application of the Guiding Principles on Internal Displacement and encouraged the Representative to continue to initiate or support regional and other seminars on displacement in consultation with regional organizations, intergovernmental and non-governmental organizations and other relevant institutions, has the honour to transmit to the Commission the report of the Seminar on Internal Displacement in Indonesia, held in Jakarta from 26 to 27 June 2001. The seminar was organized by the Brookings Institution-City University of New York (CUNY) Project on Internal Displacement, the Centre for Research on Inter-Group Relations and Conflict Resolution of the Faculty of Social and Political Sciences at the University of Indonesia, the National Commission on Human Rights of Indonesia, the United Nations Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees.

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Annex

Report of the Seminar on Internal Displacement in Indonesia: Toward an Integrated Approach

(Jakarta, 26-27 June 2001)

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 4	3
II.	OPENING SESSION	5 - 7	4
III.	GLOBAL OVERVIEW OF INTERNAL DISPLACEMENT	8 - 16	5
IV.	THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT	17 - 28	6
V.	THE NATIONAL RESPONSE TO INTERNAL DISPLACEMENT	29 - 42	8
VI.	THE RESPONSE OF NATIONAL AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS: THE RED CROSS MOVEMENT	43 - 49	12
VII.	WORKING GROUP DISCUSSIONS AND RECOMMENDATIONS	50 - 84	13
VIII.	SUMMARY OF OVERALL CONCLUSIONS AND RECOMMENDATIONS	85 - 97	20
IX.	CLOSING OF SEMINAR	98	22

I. INTRODUCTION

1. Since 1998, large numbers of persons in different parts of Indonesia have had to flee from one part of the country to another, primarily as a result of political conflict and ethnic violence. Some of the displaced have fled from one province or island to another province; others have escaped only a short distance to a neighbouring town or village or to a camp situation. The number of officially recorded internally displaced persons (IDPs) in Indonesia today is more than 1 million. Many are in need of basic assistance, protection, and reintegration and development support.

2. It was against this background that a seminar was held to raise the visibility of the problem of internal displacement and identify ways of improving the national and international response. It was timed to coincide with the visit of Francis M. Deng, Representative of the United Nations Secretary-General on internally displaced persons.[1] More than 130 persons participated. Some 30 participants came from 10 of the most affected provinces : Aceh, North Sumatra, West Kalimantan, Central Kalimantan, East Java, Central Sulawesi, North Sulawesi, Maluku, North Maluku and Irian Jaya. They were joined by more than 100 other participants from government offices, international organizations, local and international NGOs and research institutions. The Coordinating Minister for Political, Social and Security Affairs opened the seminar at a ceremony also attended by several government officials, diplomats and representatives of the media.

3. The specific purposes of the seminar were to:

(a) Share information on the situation of internally displaced persons in Indonesia and further develop and strengthen an effective information system;

(b) Promote the dissemination of the Guiding Principles on Internal Displacement;

(c) Support the development of a concerted strategy to address internal displacement, in particular by strengthening cooperation and joint programming among governmental institutions, international organizations and civil society, and among NGOs;

(d) Consider the special needs of internally displaced women and children as well as of host communities, and promote their respective participation in developing response programmes; and

(e) Consider the proposed tasks and responsibilities of the proposed National Commission for Internally Displaced Persons and Community Recovery (Komnas Pengungsi dan Pemulihan Komunitas).

4. The seminar concluded with a series of recommendations that called for more concerted efforts by the Government of Indonesia to address the needs of IDPs, in particular, the establishment of a National Commission for Internally Displaced Persons and Community Recovery (Komnas Pengungsi dan Pemulihan Komunitas), the creation of an effective information system on IDPs, steps to rebuild trust and solidarity among different ethnic and religious groups, the wide dissemination and application of the Guiding Principles on Internal

Displacement, an expanded role for international organizations and NGOs, and specific measures to address the following issues: the basic needs of IDPs, the special needs of women and children, education, safety and protection, economic empowerment, information systems, and coordination (see Summary of overall conclusions and recommendations, below).

II. OPENING SESSION

5. Rolf Carriere, United Nations Resident/Humanitarian Coordinator a.i. and Francis M. Deng, Representative of the Secretary-General,[2] made welcoming remarks. Mr. Carriere pointed out that there were more than 1 million internally displaced persons in Indonesia, which meant that approximately 1 in every 200 Indonesians was displaced. Eighty per cent were women and children. Although ongoing assistance to internally displaced persons demonstrated the resilience and the generosity of Indonesian society, there was need for a more coordinated and coherent response on the part of national and United Nations agencies. In particular, efforts must be made to strengthen inter-group cooperation and tolerance, re-perceive ethnic and religious diversity as an asset, and replace the culture of impunity with accountability. In addition, a compelling vision and shared principles were needed, which the Guiding Principles on Internal Displacement could help provide.

6. Mr. Deng pointed out that the seminar was the fifth in a series of workshops convened around the world to draw attention to the problem of internal displacement. He expressed the hope that it would stimulate close and lasting partnerships among the Government, civil society and the international community so that effective strategies could be carried forward to improve the lives of the more than 1 million internally displaced persons in Indonesia. Displacement was merely a symptom of more fundamental problems in a society. The seminar presented the opportunity to examine forced migration in Indonesia - its causes and impact - and produce concrete recommendations to try to address the problem and reinforce support for the internally displaced.

7. The Coordinating Minister for Political, Social and Security Affairs, Agum Gumelar, formally opened the meeting. General Gumelar emphasized that Indonesia was in a period of transition after 32 years of authoritarian rule. A successful transition could lead to Indonesia's becoming a great and unified nation whereas an unsuccessful transition could result in the disintegration of the nation. Internal displacement was one of the symptoms of Indonesia's current problems and urgently needed to be addressed. To this end, he announced that the Government would support the establishment of a National Commission for Internally Displaced Persons and Community Recovery to complement the work of the government agency, the National Coordinating Body for Disaster Management and IDPs (Bakornas PBP). Unlike Bakornas PBP, which operated in a top-down manner, the proposed National Commission would be non-governmental and function in a participatory "bottom-up" way. It would bring together the Government and the non-governmental community in an integrated approach and act as a partner to Bakornas PBP. The seminar, he said, could serve as an entry point in the search for solutions and encourage cooperation among civil society and the Government in addressing the problem of internal displacement.

III. GLOBAL OVERVIEW OF INTERNAL DISPLACEMENT

8. Mr. Deng presented a global overview of the problem of internal displacement,[3] pointing out that the problem was a global one, affecting some 20 to 25 million persons in more than 40 countries. In Asia alone, some 5 million persons were estimated to be forcibly displaced by internal conflicts, intercommunal violence and related violations of human rights.

9. Most of the affected countries in Asia had suffered acute problems associated with nation-building: crises of national identity and unity, ineffective government authority and control and, above all, tensions between centralized political and economic forces and various local constituencies demanding autonomy and equitable participation. Often these tensions were exacerbated by the ethnic, religious or linguistic differences between the various groups that sought greater acknowledgment of their identity.

10. As elsewhere, there was considerable inconsistency in Asia in the extent to which the internally displaced received protection and assistance. Quite apart from the problem of a lack of political will to protect and assist the displaced, the sheer lack of capacity was often a formidable constraint on the ability of Governments to respond. Further compounding the situation in Asia was the absence or insufficiency of national, subregional or regional mechanisms to deal with the problem.

11. Irrespective of the level of development in a country, internally displaced populations shared a common need for humanitarian assistance, protection of their physical security and human rights, and durable solutions in accordance with universal standards of human dignity. Displacement generally deprived people of the basic necessities of life – shelter, food, medicine, education and employment opportunities. In addition, the displaced often faced discrimination in the areas where they sought refuge and sometimes they were trapped within zones of conflict.

12. Although internally displaced persons were a particularly vulnerable group with distinctive needs, they also represented a microcosm of the wider community affected by the conflict. The goal, therefore, should be comprehensive protection and assistance of all those affected, while at the same time addressing the specific needs of vulnerable groups. This wider approach could ease the tensions that sometimes developed between IDPs and local residents. Indeed, the crisis of displacement should be seen as a wake-up call and an opportunity for addressing the deeper, structural ills of the country to forge a national common ground and a collective vision for nation-building.

13. Primary responsibility for the internally displaced lay with the States concerned, which should seek to strengthen laws, policies and institutions to enhance the national response. However, responsibility must also be apportioned to countries of the region affected by the overflow of internal crises and to the international community, which is needed to play a supporting role as the ultimate guarantor of universal human rights and humanitarian standards. Indeed, the role of the Representative of the Secretary-General - a position that was created in 1992 - has developed into one of catalyst within the international system, raising the level of awareness about the plight of internally displaced persons, advocating for their cause, and dialoguing with Governments and all pertinent partners on ways to promote more effective protection and assistance.

14. One of the first steps taken by the Representative was to develop a normative framework for the internally displaced in the form of Guiding Principles on Internal Displacement. Based on humanitarian law, human rights law and analogous refugee law, the Principles had become an authoritative and morally persuasive document providing guidance to all those who deal with the internally displaced.

15. Steps had also been taken to strengthen international institutional arrangements for dealing with internally displaced populations. In particular, efforts were being made to strengthen collaboration among the different agencies that became involved in providing assistance, protection and reintegration and development support to the displaced populations. In 2000, a Senior Inter-Agency Network on Internal Displacement was established to reinforce coordination and this year, the Secretary-General approved the creation of a special unit on internal displacement within the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Hopefully, these steps will translate into needed progress on the ground. In particular, the delivery of assistance must be closely linked to protection. Responses to crises of internal displacement must combine humanitarian relief with attention to defending the physical safety and human rights of the affected populations.

16. The seminar was challenged to elaborate strategies for a comprehensive and integrated approach towards internal displacement that would bring together Government, civil society, international agencies, research institutions and the non-governmental community to work towards effectively meeting the needs of the internally displaced.

IV. THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

17. Roberta Cohen, Co-Director of the Brookings-CUNY Project on Internal Displacement, presented the Guiding Principles on Internal Displacement, the first international standards for IDPs. Djawahir Thontowi, Dean of the Law School of the Islamic University of Yogyakarta, presided, and translations of the Principles into Bahasa Indonesia were circulated.

18. Ms. Cohen explained that the Guiding Principles were developed by a team of international legal experts under the direction of the Representative of the Secretary-General, and at the request of the United Nations Commission on Human Rights and the General Assembly, which had called for the development of a normative framework for the internally displaced. Presented to the United Nations in 1998, the Guiding Principles identified the rights of the internally displaced and the obligations of Governments towards those populations, and provided guidance to all other actors engaged with the internally displaced. They were based on existing international humanitarian law, human rights law and refugee law by analogy and brought together in one compact document existing law applicable to the internally displaced, tailoring the law to the needs of the displaced. This was necessary because no one document specifically applicable to internally displaced persons existed and because the Representative had found grey areas and gaps in international law that needed to be addressed.

19. The introduction to the Guiding Principles defined the internally displaced as persons or groups who had been forced or obliged to flee their homes or places of habitual residence, in particular as a result of or in order to avoid armed conflict, generalized violence, violations of

human rights or human-made disasters, and who had not crossed a State border. In essence, the definition tried to strike a balance between too narrow a framework that risked excluding people and one so broad as to be operationally unmanageable.

20. Section I of the Principles contained general principles, in particular that persons cannot be discriminated against in the enjoyment of rights because they are displaced and that the Principles are applicable to all displaced persons without discrimination of any kind The Principles shall be observed by all authorities, groups and persons irrespective of their legal status. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, are particularly vulnerable and may require special attention.

21. Section II of the Principles concerned protection from displacement and innovatively articulated the right not to be arbitrarily displaced. It also specifies when displacement is not permissible and the minimum guarantees to be complied with should displacement occur.

22. Section III, the heart of the Principles, concerned protection during displacement. It set forth the civil, political, economic, social and cultural rights that internally displaced persons should enjoy. For example, internally displaced persons should have access to food, water, shelter, clothing, medical services and sanitation essential to their survival, and they should be protected against all abuses of their human rights, including assault, sexual violence, attacks on their camps and settlements, being arbitrarily detained or held hostage in camps, or being forcibly returned to or resettled in places where their life, safety, liberty and/or health would be at risk.

23. Section IV, on humanitarian assistance reaffirmed the primary role of the national authorities in providing such assistance but stated that when the authorities are unable or unwilling to do so, international organizations have the right to offer their services and consent shall not be arbitrarily withheld. Indeed, rapid and unimpeded access is to be provided. Organizations providing humanitarian relief should give due regard to the protection needs and human rights of the affected persons and take steps in that regard. Humanitarian workers shall be respected and protected and shall not be the object of attack or other acts of violence.

24. Section V of the Principles, on return, resettlement and reintegration, emphasized the right of the internally displaced to return voluntarily and in safety to their homes or to resettle voluntarily in another part of the country. They should be able to recover their property or obtain compensation or reparation if recovery is not possible.

25. Although the Principles were not a legally binding instrument like a treaty, they had come to acquire, in a relatively short period of time, a good deal of international standing and authority. All the international humanitarian, human rights and development agencies and NGO umbrella groups participating in the Inter-Agency Standing Committee had endorsed them. The United Nations General Assembly and Commission on Human Rights had called for their wide dissemination and application. Indeed, in the resolution of the Commission on Human Rights, adopted unanimously in 2001 by its 53 States members, including Indonesia, the Commission encouraged the dissemination and application of the Principles and noted with appreciation that an increasing number of States, United Nations agencies, and regional and non-governmental

organizations were making use of them. In addition, the United Nations Secretary-General had called upon the Security Council to encourage States to observe the Principles and the Security Council had begun to cite them in its resolutions and its President to refer to them in statements. Regional intergovernmental organizations had also begun disseminating and applying the Principles, in particular the Inter-American Commission on Human Rights of the Organization of American States; the Organization for Security and Cooperation in Europe; and the Organization of African Unity. In the Asian region, the Asia-Pacific Forum of National Human Rights Institutions decided in August 2000 to encourage its member institutions to integrate issues of internal displacement and the Guiding Principles into their work, and non-governmental organizations in Asia had raised the visibility of the needs of internally displaced persons and developed outreach programmes around the Guiding Principles. Governments too in various parts of the world had begun to base their policies and laws on the Guiding Principles.

26. During the ensuing discussion, several participants expressed concern about the non-binding nature of the Principles and wondered whether the drafting of a legally binding convention should be undertaken so that the Principles could become part of national law. It was pointed out that the Principles, although non-binding, did reflect and were consistent with international humanitarian and human rights law, which was binding, and which provided a good deal of protection for the internally displaced. Moreover, a convention would take years, even decades, to be drafted, ratified and enter into force. In Indonesia and many other countries, the problem was too pressing to wait. The Principles offered an existing text that brought together in one document all the laws applicable to the internally displaced and restated its provisions to make them relevant to the internally displaced. They had been found useful by a growing number of Governments, regional intergovernmental organizations, international agencies and NGOs. Some Governments had already made the Principles a part of their law; others were reviewing their laws in terms of the Principles; and still others had adopted policies based on the Principles. It was therefore not essential that the Principles be a binding instrument.

27. Several participants suggested that an institution should be created to oversee the application of the Principles. Others drew attention to the concerns of the most vulnerable groups of internally displaced persons, especially the disabled and the elderly. The Principles, it was reiterated, specifically highlighted the concerns of those groups.

28. The question of whether the internally displaced came under national or international responsibility was also raised. While primary responsibility for the displaced rested with their Government, international organizations and non-governmental organizations had important roles to play and Governments should ask for international cooperation in dealing with the problem of internal displacement. There was growing involvement worldwide of international organizations and NGOs in situations of internal displacement. One could even speak of an emerging international responsibility to assist and protect persons forcibly displaced and at risk in their own countries.

V. THE NATIONAL RESPONSE TO INTERNAL DISPLACEMENT

29. Enny Soeprapto chaired the session at which Budi Atmadi, Assistant Deputy for Rehabilitation and Reconstruction at Bakornas PBP, gave an overview of his agency's role in assisting IDPs in Indonesia. In early 2001, Bakornas PBP, through Presidential Decree No. 3,

was given the primary responsibility within the Government to respond to internal displacement. Bakornas PBP was chaired by the Vice-President and had developed general guidelines for addressing the displacement problem. Its operations were conducted via secretariats and coordinating bodies at the national (Bakornas), provincial (Satkorlak PBP) and district (Satlak PBP) levels, and were based on cooperative relationships. (For additional information on Bakornas PBP, see the section on coordination below.)

30. Mr. Atmadi reported that government assistance to internally displaced persons was substantial - in the trillions of rupiyah - although additional funds were needed for relief and the creation of new IDP settlements. He acknowledged that there were many difficulties in addressing the plight of IDPs. To begin with, strategies needed to be developed not only for the period of displacement but before displacement took place and after it had occurred. The needs of IDPs, moreover, were quite varied so that responses had to be tailored to particular conditions. Tensions between the IDPs and the local population also had to be addressed. Further, newly implemented decentralization legislation was affecting intergovernmental coordination and causing conflicts. Greater accuracy in data collection was needed to enhance policy and programmes for IDPs and criteria needed to be identified to help guide distribution of assistance to IDPs.

31. Bakornas PBP was open to establishing partnerships with non-governmental organizations to improve the planning and implementation of programmes. It was also prepared to cooperate with the proposed National Commission for IDPs and Community Recovery.

32. The Vice-Governor of Maluku province, Paula Reyaan,[4] commented on the situation in Maluku where riots and internal conflicts continued to lead to loss of life, displacement and destruction of property. The authorities were trying to distribute basic necessities but faced many challenges. In particular, the displacement of many government officials made it difficult for the Government to provide services. There was a lack of temporary shelter, and there were transportation difficulties to and from remote islands and regions. There was also a need to address the disparity between assistance efforts in Maluku and North Maluku. Reference was made to the considerable amount of economic activity undertaken by the IDPs themselves. However, if IDPs remained too long in one place, tensions occurred with the local community. Yet return to their homes was not always possible because of a lack of safety. Relocations had been proposed but they raised human rights issues, in particular freedom of movement.

33. Participants urged greater transparency and accountability on the part of government agencies with regard to relief efforts for IDPs. Some pointed out that aid was not reaching the IDPs for whom it was intended and that this needed to be addressed. Others questioned the amount of funds the Government reported it was spending on IDP needs. Still others pointed out that decentralization was leading to confusion with regard to the funding of programmes for IDPs. Many called for expanded cooperation between the local authorities and NGOs in the provision of assistance and underscored the importance of engaging civil society in carrying out programmes, indeed, NGOs, it was pointed out, often had the most effective programmes. Better coordination was also needed at Bakornas PBP at the national, regional and local levels. Participants also urged the Government to develop more effective strategies for dealing with the problems facing internally displaced women and children. In particular, they called attention to the need for psycho-social programmes to deal with the impact of violence and displacement,

more effective protection of women from sexual violence, better data collection on the needs of women and children, and for the obstacles preventing internally displaced children from attending school to be overcome.

A national commission for IDPs

34. At an evening session, Holil Soelaiman, professor at the University of Indonesia, and Imam Prasodjo, Director of the Centre for Research on Inter-Group Relations and Conflict Resolution (CERIC), underscored the importance of setting up a National Commission for Internally Displaced Persons and Community Recovery (Komnas Pengungsi dan Pemulihan Komunitas). They pointed out that internal conflict and inter-communal violence in many parts of Indonesia, combined with the escalating number of internally displaced persons, had produced serious economic, political and social disruption in the country. Indeed, much of Indonesia was experiencing an emergency situation which required the establishment of a national body to address the problem comprehensively.

35. The goals of the commission would be: (a) to establish a network of information centres in areas with significant populations of displaced persons to assess the needs of the displaced and the communities hosting them, and research the roots of the conflicts that produced displacement; (b) to set up a recovery programme that would bring together in working groups local, provincial and national authorities, members of international organizations, local NGOs, the local community, civil society and the displaced themselves. The working groups would address both the needs of the displaced and the host communities and ensure that the affected populations played active roles in their own assistance and development; and (c) to undertake pilot projects in areas of urgent need.

36. The commission would act as a facilitator and promote a "bottom-up" approach that would bring together organizations and individuals from different disciplines on behalf of the displaced. In the short term, the commission would focus on the formalization of its statute and bylaws, the creation of a mechanism for data collection, resource mobilization, and strengthened coordination and integration among the parties concerned. In the medium and long term, it would place emphasis on the social and economic empowerment of IDPs and the local community, the recovery and development of both, and the provision of services to IDPs to enable them to enjoy their civil, political, economic and social rights.

37. During the discussion, it was pointed out that the relationship of the National Commission to Bakornas PBP would have to be carefully worked out so that they complemented and reinforced one another.

Rebuilding social trust and solidarity in situations of mass displacement

38. In a session chaired by Adhi Santika of the Ministry of Justice and Human Rights, Dr. Prasodjo emphasized the importance of rebuilding trust in situations of massive displacement that threatened to divide and destabilize the nation. When a nation's social capital had been destroyed by conflict, disaster and displacement, the element of trust that bound individuals and

communities together was lost. The best route to recovery therefore was through an approach that sought to restore social capital and rebuilt bonds of trust, solidarity and interdependency between groups and individuals.

39. Dr. Prasodjo suggested five elements for the establishment of a climate of trust:

(a) Delivery of emergency aid in a timely, organized and non-discriminatory manner (free of ethnic, religious, racial or cultural favouritism) through the formation of rapid response units so that the displaced felt cared for and inter-group cooperation was restored;

(b) Dialogue between the host community and the displaced so that both were involved in the planning and implementation of solutions for the displaced. An example of participatory community development planning that promoted trust and rebuilt broken ties was the effort made in Tual, where Muslims and Christians worked side by side to rebuild homes that had been destroyed in the conflict between the two groups;

(c) Creation of an atmosphere of safety and security through a united effort involving members of the local community and members of the police and military. A safety and protection programme would provide space for interaction between the various parties and facilitate humanitarian action;

(d) The establishment of a "peace zone" to provide protection and refuge from violence and also foster a community active and skilled in the prevention of violence and able to plan for its own future;

(e) The creation of a network of information centres to assess the short-term and long-term needs of the displaced and the host community, enhance coordination of response and promote dialogue.

40. The intended result of all those efforts would be to help make peace more sustainable by rebuilding trust between the IDP population and the affected community as a whole.

The needs of women and children

41. Livia Iskandar of the National Commission on Violence against Women (Komnas Perempuan) emphasized the special needs of women and children in situations of displacement. Not only did they face problems of physical security but also psychological trauma as they lacked security during displacement as well as in places of expected refuge, such as IDP camps. Among the dangers that women and children faced in camps were rape, domestic violence, sexual harassment, the trafficking of women and children to other regions, and prostitution controlled by militias and the military. Moreover, humanitarian aid was often delivered to the head of the family, resulting in women not receiving their fair share.

42. Ms. Iskandar called for increased gender sensitivity in programming as well as special facilities to address women's reproductive and mental health needs, especially post-traumatic stress syndrome. At the same time, women often acted as agents of change in situations of conflict and displacement and played an active role in the organization and management of camp

affairs. As survivors of conflict, they often pressed for the provision of counselling services and for economic empowerment efforts in the form of microcredit schemes. Greater attention needed to be paid to gathering accurate and relevant statistical data on internally displaced women and children. The working group on this subject (see below) would have the opportunity to discuss in greater depth the challenges that women and children faced and come up with specific recommendations.

VI. THE RESPONSE OF NATIONAL AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS: THE RED CROSS MOVEMENT

43. The Secretary-General of the Indonesian Red Cross (PMI), Iyand Iskandar, and representatives from the International Committee of the Red Cross (ICRC), Marguerite Contat and Peter Isley, described the activities of the Red Cross Movement in assisting internally displaced persons in Indonesia and internationally. The movement operated on the basis of seven principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. Presidential Decree 26 (1993) had requested PMI to be responsible for victims of natural and man-made disasters in Indonesia, who are primarily IDPs. PMI coordinated with the various mechanisms of Bakornas PBP to deliver humanitarian assistance to the internally displaced. It was one of the few organizations that had access to and operated on both sides of the conflict in Aceh. It engaged in humanitarian assistance, evacuation of persons to safe places and reunification of separated family members.

44. As a neutral and independent intermediary, ICRC sought to maintain the confidence of all sides, which was not always easy to achieve in internal conflict situations. ICRC was present in Aceh and lent support to PMI through capacity-building and in the training of the armed forces and police in humanitarian law. The Indonesian Government was a party to the four Geneva Conventions of 12 August 1949 and therefore was bound to apply their provisions to all civilians affected by armed conflict, including the internally displaced. International humanitarian law was legally binding on both States and non-State actors and addressed most of the problems associated with internal displacement in situations of armed conflict. There was, however, no specific mention of the term "internally displaced person" in humanitarian law. ICRC had contributed to the development of the Guiding Principles on Internal Displacement, which gave specific guidance to all those involved with internal displacement. It should be borne in mind, however, that IDPs were not the only persons affected by conflict. In situations of armed conflict and internal disturbances and tension, ICRC sought to give priority to those with the most urgent needs, whether they were displaced or not.

45. During the discussion, it was pointed out that although the needs of all persons affected by armed conflict must be addressed, IDPs had special needs by virtue of their displacement which required special attention. IDPs should be seen as an entry point to dealing with other affected civilians.

46. The relationship between the Geneva Conventions and the Guiding Principles was also commented upon. It was pointed out, that humanitarian law while addressing "most" problems facing internally displaced persons in armed conflict, did not address all the problems. There were gaps and grey areas in the law with regard to questions such as property restitution,

documentation, a prohibition against return to areas of danger, and other issues. Indeed, these gaps and grey areas were a major reason why the Guiding Principles were drafted. Further, international humanitarian law did not apply to all situations which produced IDPs; it applied only to situations of armed conflict, whereas IDPs resulted from situations that fell short of armed conflict, such as riots and inter communal violence. IDPs could also be found in situations of natural disaster, to which humanitarian law did not apply. The Guiding Principles filled these gaps. At the same time, the relationship between the Guiding Principles and the Geneva Conventions was complementary. The Guiding Principles were based upon and reinforced humanitarian law by restating its provisions and tailoring them to the specific needs of the internally displaced.

47. Some participants underscored that it was often not the law, or lack of law, but rather the lack of political will that hindered the protection and assistance of IDPs.

48. Several expressed confusion with regard to which international agency was responsible for assisting IDPs. Some pointed out that the needs of IDPs were so broad that they exceeded the capacities and expertise of any single organization. Others questioned why UNHCR did not become involved with IDPs in Indonesia, pointing out that there was no distinction in the Indonesian language between external and internal displacement. It was explained that UNHCR's mandate applied only to refugees. In order to become involved with IDPs, certain criteria had to be met: a request by the United Nations Secretary-General or another United Nations organ, consent of the State concerned, and the necessary resources. The new IDP unit being created in OCHA should help the United Nations in making assessments and recommendations as to which agencies would be responsible for IDPs in particular situations. Some observed that if international organizations were willing to put aside their competitiveness and focus on better implementing their respective mandates, a more integrated and efficient system for addressing the needs of IDPs would result.

49. With regard to the issue of neutrality, participants raised concerns that PMI in Ambon as well as NGOs and humanitarian organizations in other areas were not always perceived as neutral. In Aceh, those working on behalf of IDPs were often suspected of taking sides in the conflict, since IDPs themselves were seen as partisan. However, the presence of the Red Cross Movement in Aceh did contribute to an atmosphere of lessened hostility. Some suggested that PMI should extend its presence to new areas, such as Sampit, and share its equipment (such as boats) with other organizations when there was demonstrated need. It was also suggested that ICRC should maximize its role in assisting IDPs, including in natural disaster situations, since UNHCR did not regularly help them and there was no single agency designated to address their needs. It was also suggested that ICRC and PMI should engage in advocacy for IDPs and in particular encourage the Government of Indonesia to develop specific legislation on IDPs.

VII. WORKING GROUP DISCUSSIONS AND RECOMMENDATIONS

50. Participants met in seven different working groups, composed of some 15-20 participants each, to discuss in greater depth the following subjects: the basic needs of IDPs; internally displaced women and children; education; safety and protection; economic empowerment; information systems; and coordination. The following sections summarize the discussions, findings and recommendations of each group, which later were presented to the entire seminar.

Basic needs of internally displaced persons

51. The working group members agreed that the basic needs of IDPs encompassed both material needs and physical safety, as well as mental and spiritual needs. During the emergency phase, basic needs included clean and potable water, temporary shelter, food, clothing, cooking utensils, medical services, immunization, safety, protection against attacks, evacuation, and information on the whereabouts of family members. In addition, the psychological aspects of IDP situations and the need to heal traumatic experiences, especially of women and children, needed to be addressed.

52. The group heard presentations by Dr. Maman Daljusman and colleagues from the Jakarta chapter of the Indonesian Doctors Association (Ikatan Dokter Indonesia) and Dr. Jose Rizal Jurnalis of the Medical Emergency Rescue Committee (Mer-C), who described what was needed for a rapid and effective assessment of the basic needs of IDPs and the host community. They discussed how to get the right category of provisions in the right amount to the right people and at the right time and in the right location. They underscored that the assistance provided to IDPs should closely correspond with their actual needs, which was not always the case.

53. Working group members observed that both the nature of the conflict which led to internal displacement and the location of the IDPs had a bearing on their needs. Individuals and families experiencing social disruption and physical attacks would have different needs than others. Moreover, IDPs in Aceh, Maluku and Kalimantan all had distinct backgrounds and situations with implications for their needs.

54. To provide an accurate and efficient response to an IDP situation, needs had to be identified in both the emergency and post-emergency phase. Pre-assessment and other rapid instruments for needs identification had to be improved and deployed more effectively. Standards would also be useful to help measure gaps.

55. Coordination should have an information component. In particular, a clearinghouse of information should be established to communicate who is doing what, where, and when in response to basic needs. Capacity-building of national and local emergency response units was also required. In addition, an independent audit instrument should be made part of the delivery system to help ensure its effectiveness.

56. It was stressed that assistance should be provided in a manner that did not create dependency, and it should be sensitive to the local diet. It was also emphasized that assistance to host families and the community should be explored when helping IDPs.

Internally displaced women and children

57. The working group called for greater attention to be paid to both the physical security and psychological needs of internally displaced women and children. Because issues pertaining to women and children cut across all sectors, the group's recommendations covered a broad range of categories: basic needs, economic empowerment, education, safety and protection, information, coordination and law.

58. With regard to basic needs, the working group called for accurate and detailed data on internally displaced women in order to ensure their effective access to food, shelter, sanitation and reproductive health care. Reliable information was also needed on both the physical and mental health of internally displaced women. In addition, greater gender sensitivity was needed in the implementation of projects focused on basic needs. As concerns children, attention should be paid to their need for shelter, regular and routine educational and recreational programmes, group and individual counselling, and the fostering of support groups from the community, family and peers.

59. To promote the economic empowerment of women, it was recommended that women should have access to credit, be given land in safe places in exchange for land to which they were unable to return, be permitted to hold land and forested areas in common and receive unemployment benefits.

60. Greater attention should also be paid to the education of both women and children. In the case of internally displaced women, the social and human capital available in camps should be identified and education and training conducted to benefit women. With regard to education for children, it was recommended that a specific policy be developed to provide for broader and freer access of internally displaced children to school. Additional State and local funds to cover education for internally displaced children were also recommended.

61. Discussions on safety and security issues led to recommendations on the creation of peace zones, the formation of women's groups within camps, women's participation in security forces, free public access to facilities for locating lost family members, and the creation of programmes to monitor and prevent violence against children. In conflict areas such as Aceh, halting the flow and sales of weapons among armed groups was considered critical.

62. In the case of information, more detailed and accurate data collection on both women and children was called for and government bodies such as the State Ministry for Women's Empowerment should help with policy formation.

63. In the coordination process, women were generally marginalized and children not often part of the agenda. Therefore, women should be involved in every aspect of the decision-making process and at least 50 per cent of those so involved should represent the local, national and international NGOs active in women's issues. Coordination should also ensure that the process was sensitive to the rights of internally displaced children.

64. In matters of law, it was recommended that legislation should be adopted to protect women from violence, guard women's rights to property and assets, acknowledge the role of women as providers, provide for gender sensitivity in the application of customary law, ensure the participation of women in negotiation processes, and acknowledge the right of women to determine their own future.

Education

65. The most significant problems identified by the working group on education were the lack of access of many internally displaced children to formal education and the substandard

quality of the education that was available. Moreover, internally displaced children who had experienced trauma and separation from their families needed special educational programmes.

66. The working group emphasized that education for IDP children was not generally considered a priority and that attitudes towards it were usually less than positive. Often, the Government was incapable of fulfilling educational needs, especially in the case of IDP children. Nonetheless, every child had the right to education, as stipulated in the Constitution of Indonesia and various laws and regulations. Moreover, the primary responsibility for the education of children lay with the Government, the family and society. IDP children and host community children should have equal access to non-segregated education.

67. It was recommended that the Government should become more responsive to the need for education of children in IDP camps and in areas of conflict. To that end, cooperation needed to be strengthened between the Government (at the national and regional levels), NGOs (international, national and local) and IDPs.

68. It was also recommended that the education of internally displaced children should combine both the national standard curriculum and the specifics of the community in question so as to ensure respect for local culture and should include multicultural and inter-religious approaches. The training of teachers in IDP settings was also considered essential to ensuring that minimal standards of education were met.

69. In summary, it was urged that every effort should be made to ensure that internally displaced children received education in formal schools or, in emergency situations, in camps, and that resources be made available for this purpose.

Safety and protection

70. The term "safety and protection of IDPs" was interpreted to encompass both their physical security and the fulfilment of their basic human rights and fundamental freedoms prior to, during and after displacement. The working group considered respect for the rule of law to be the most essential element of the concept of safety and protection.

71. The group made the following recommendations to enhance safety and protection for IDPs:

(a) A comparative study should be undertaken of the content of the Guiding Principles on Internal Displacement and relevant national legislation, in particular Law 39/1999 on human rights, in order to enhance the implementation of both;

(b) The Guiding Principles should be disseminated to all key actors dealing with internally displaced persons. They should also be translated into local languages and transformed into different mediums for multimedia purposes;

(c) Police and military personnel should be trained in effective practical steps to assist internally displaced persons with protection needs;

(d) Minimum security measures should be instituted to protect the State apparatus as well as non-State parties in carrying out their respective duties in dealing with the internally displaced;

(e) Access to IDPs by humanitarian workers should be facilitated so as to ensure that the latter were able to carry out their mission effectively, including dealing with casualties and transporting injured persons. An appropriate mechanism should be established for that purpose;

(f) An information centre should be set up so that all parties had access to accurate information on IDPs;

(g) Information should be provided to IDPs about the local culture, customs, etc. of populations in areas where they had sought refuge and resettlement;

(h) Safety and protection should be provided to IDPs following their return to their places of origin or their relocation in other areas. In this connection, special attention should be paid to the most vulnerable groups among the IDPs, in particular women and children;

(i) Appropriate measures should be taken to empower populations in the areas hosting IDPs so that they were receptive to IDPs and did not feel disadvantaged by their presence;

(j) To build confidence among the people affected by the conflict, civic missions should be conducted by the military;

(k) Efforts should be made to identify and address the root causes of displacement so as to prevent its recurrence;

(l) The capacity of the police apparatus to take pre-emptive and preventive measures should be enhanced with a view to preventing further displacement.

72. The working group considered that its recommendations could be implemented in an integrated manner in accordance with Presidential Decree No. 3/2001. As a matter of priority, it called for the immediate dissemination of humanitarian principles and law to all those concerned, including the police and military personnel, regional governments, non-governmental organizations, local communities hosting IDPs as well as the IDPs themselves.

Economic empowerment

73. All efforts to promote the economic empowerment of internally displaced persons would have to take into account problems of safety and peace. Bearing that in mind, the working group recommended the following to promote the economic empowerment of IDPs:

(a) The identification and development of areas with the potential to become pluralistic economic zones;

(b) The development of economic networks;

(c) The establishment of small-scale economic self-subsistence projects;

(d) An inventory of the economic potential of IDPs;

(e) The according of priority to women's empowerment in economic activities;

(f) The involvement of strategic groups to ensure a climate of safety and peace for economic activities.

74. Addressing national and local governments to international, national and local NGOs, the working group recommended:

(a) More intensive dissemination of the Guiding Principles on Internal Displacement;

(b) Insistence that humanitarian assistance programmes be connected to a process of peace and reconciliation;

(c) Intensification of economic empowerment efforts for inhabitants in areas which have succeeded in creating a climate of peace;

(d) The formation of economic forums of discussion to engage various groups, especially those involved in the conflict, in the planning of economic activities.

75. The options available in each region would vary, depending on the needs of the particular area, and would have to be carried out in accordance with the local context, local materials and local skills.

Information systems

76. Far greater attention should be paid to the development of information systems for IDPs. To that end, the working group recommended that guidelines be developed to strengthen and improve the collection, compilation and verification of data on IDP communities and others in need. It also recommended that consideration be given to the designation of information focal points at the provincial, district and subdistrict levels (Satkorlak, Satlak and Kecamatan) and at the national level (Bakornas). At the provincial and district levels, the focal point would collect key government administrative and technical data as well as data from the NGO community. At the national level, the focal point would prepare an overall picture of the IDP situation in the country. All sources of information would be identified and analysed by relevant professionals for completeness and accuracy. In addition, data would be collected from NGOs (national and international), universities and other sources. This information would also be assessed for accuracy and completeness and would be published. The creation of such an information system would lead to improved data at Bakornas PBP: it would provide a picture of IDPs in specific crisis areas as well as a critically needed overview of the overall IDP situation.

77. The working group recommended a more "bottom-up" approach for data collection, compilation and dissemination, going from sectoral information sources (e.g. health, education) and NGOs to the district, provincial and national levels and to Bakornas PBP.

78. It also recommended that the information system should include information on all affected populations, not only IDPs, and advocate targeting the most needy populations. The information system would also be expected to provide information to IDPs and NGOs about IDP rights and the programmes that assisted IDPs. Accountability would be strengthened by making public the data available on programmes for IDPs.

Coordination

79. It was recalled that the Government of Indonesia had recently assigned the added task of coordinating assistance for IDPs to the National Coordinating Body for Disaster Management (Bakornas PB becoming Bakornas PBP), based on Presidential Decree No. 3/2001. That body was chaired by the Vice-President and had 11 ministers as members. At the national level, the secretariat of Bakornas PBP had four deputies, one of whom would be in charge of IDPs. At the provincial level, Satkorlak PBP was chaired by the Governor, and at the district level Satlak PBP was chaired by the Bupati or Mayor. Bakornas PBP was supposed to coordinate mainly the activities of government ministries and institutions.

80. The working group recognized that ultimate responsibility for rescuing, securing and protecting IDPs rested with the Government. Although the Government welcomed the participation of other parties, Bakornas PBP was a completely top-down structure and had not been fully staffed. As a result, it had not been able to function effectively. Indeed, the situation of Indonesia's 1.2 million IDPs had not been appropriately dealt with, and their living conditions were getting worse while they waited for a response to their basic needs as well as to their security, protection and economic recovery concerns. The response had been fragmented, with many gaps and overlaps.

81. What was needed was more effective operational coordination between the Government and NGOs, and among the NGOs (local, national, and international) that were taking part, or intended to take part, in activities to help IDPs. Such coordination required communication, transparency, good will, good governance, mutual trust, equality, and a spirit of partnership among the parties concerned. However, effective coordination had been impeded by: poor communication and lack of mutual trust, good will and a spirit of partnership among the parties concerned; a paternalistic and feudalistic attitude and behaviour on the part of some individual officials involved; sectoral egoism resulting from a strict sectoral approach to national development; and a strictly sectoral budget allocation system.

82. In February 2001, a national seminar on IDPs held in Jakarta recommended that an independent, non-governmental and "bottom-up" national commission on IDPs be established to synergize and integrate the activities of those who had been actively involved with IDPs. Given the support for this proposal, preparatory steps were taken following the seminar towards the establishment of such a commission. As a result, the National Commission on IDPs and Community Recovery was ready to come into being.

83. To promote effective coordination between the Government, civil society, and international agencies and NGOs, the working group considered it important that a forum for coordination be set up at the national, provincial and local levels, where all parties or representatives of concerned parties (including Bakornas PBP, the National Commission on

IDPs and Community Recovery, national and local NGOs, international agencies and NGOs) could meet for the benefit of IDPs. At the same time, since helping IDPs meant working with them and not for them, IDPs should be well represented in the coordinating forum at the local level.

84. The following recommendations were made:

(a) The organization, status and role of the proposed National Commission on IDPs and Community Recovery should be re-examined and limited to producing policy and strategy recommendations;

(b) While the role of Bakornas PBP was to coordinate operational activities, the National Commission on IDPs and Community Recovery should play an effective role in formulating and recommending legislation and policy; acting as a focal point between the government and civil society; and advocating for and protecting IDPs, including their property and belongings;

(c) The National Commission should develop strategies that would incorporate the Guiding Principles on Internal Displacement, and should disseminate the Guiding Principles to the public, including internally displaced populations.

VIII. SUMMARY OF OVERALL CONCLUSIONS AND RECOMMENDATIONS

85. **General conclusions and recommendations**. Both in the plenary sessions and the working groups, participants called for more concerted efforts at the national, provincial and district levels to address the needs of IDPs so that "a generation of IDPs" would not be created. In particular, they called for the setting up of a formal consultative mechanism to bring together national, provincial and local government authorities with NGOs, civil society and international organizations so that partnerships could be forged and more effective strategies developed for assisting and protecting IDPs. To achieve that purpose, strong support was expressed for the establishment of a National Commission for Internally Displaced Persons and Community Recovery (Komnas Pengungsi dan Pemulihan Komunitas). Conceived as an independent body based upon a "bottom-up" approach, it would complement and reinforce the activities of the governmental body, Bakornas PBP. It would help bring together the different partners working for the displaced, advocate for IDPs and host communities, support their recovery and empowerment, and recommend policy and law in support of their needs.

86. Participants also considered essential the creation of an effective information system on internally displaced populations to enable different actors to gain a better understanding of IDP needs and for their programming. Participants called in particular for better emergency needs assessments as well as information about who was doing what, where and when; more detailed data on the needs of women, children and other especially vulnerable groups among the displaced, in particular the elderly and the disabled; and information on needs in the post-emergency phase, in particular on the economic potential and skills of IDPs (see the information system design below). The importance of including non-governmental sources of information in the system was underscored as well as the need for the Government to be more transparent in providing information.

87. To raise the visibility of the rights of IDPs, participants called for the wide dissemination of the Guiding Principles on Internal Displacement, the first international standards for IDPs, presented to the United Nations by the Representative of the Secretary-General on internally displaced persons. Although not a binding instrument like a treaty, participants recognized the utility and value of the Principles in serving as a guide for those working with the displaced. Participants called on all key actors to disseminate the Principles, in particular Bakornas PBP and the proposed National Commission for Internally Displaced Persons and Community Recovery. In addition, they recommended the translation of the Principles into local languages and the translation into Bahasa Indonesia of the *Handbook for Applying the Guiding Principles*.

88. Participants considered that responsibility for IDPs should be shared. While recognizing that the Government had primary responsibility for addressing the needs of internally displaced persons, participants also recognized that international humanitarian, human rights and development organizations and NGOs had important roles to play in support of the Government's efforts. They urged government authorities to facilitate access and provide security for humanitarian staff so that they could reach internally displaced populations, especially in remote areas. And they called for more proactive roles to be played by the organizations, including expanded presence in affected areas and greater advocacy.

89. In addressing the needs of IDPs, participants called for greater attention to be paid to host communities so as to minimize the potential for resentment and conflict. In particular, efforts should be made to extend material assistance both to IDPs and to host communities and steps should be taken to rebuild trust, solidarity and interdependence between different ethnic and religious groups. For instance, aid should be delivered in a timely, organized and non-discriminatory manner; dialogue should be encouraged between the displaced and host communities; participatory community development projects should be undertaken; safety and security should be provided involving the local community, police and military; and efforts should be made to create "peace zones" in different regions.

90. **Basic needs of IDPs**. Although basic needs were often defined in terms of material assistance, internally displaced persons also needed protection of their physical safety and human rights and required attention for their psychological needs since many had experienced trauma. In addition, longer-term reintegration and development needs had to be addressed. To improve the provision of basic services to IDPs, minimum standards should be developed, an information clearing house set up, coordination improved, national and local emergency response units strengthened and an independent audit instrument integrated into delivery systems.

91. **Women and children**. The State Ministry for Women's Empowerment should become more involved in the development of policy towards internally displaced women and children. In particular, there should be increased gender sensitivity in programming, special facilities to address women's reproductive health and mental health needs, more accurate and detailed information about women and children, especially in the area of training and education, group and individual counselling for children, greater access of women to credit and land, and the adoption of legislation to protect women from violence, guard their rights to property and assets and ensure their participation in negotiation and decision-making processes.

92. **Education**. The Government should be far more active in ensuring that children in IDP camps and places of conflict had access to education and that resources were made available for that purpose. In general, the education of internally displaced children should be integrated into the local education system and both be provided additional support.

93. **Safety and protection**. Humanitarian law and the Guiding Principles on Internal Displacement should be disseminated to the police and military, regional governments, NGOs, local communities hosting IDPs and to the IDPs themselves. A comparative study should be undertaken of the Guiding Principles and Indonesian law with a view to enhancing the implementation of both.

94. Training should be provided to the police and military in practical measures to protect IDPs in all phases of displacement, including return and relocation, and protection should be assured as well to humanitarian workers and those of the State who assist IDPs. To prevent the recurrence of displacement, the capacity of the police apparatus to take pre-emptive and preventive measures should be enhanced, and specific measures such as civic missions conducted by the military should be taken to build confidence among people affected by the conflict.

95. **Economic empowerment**. In order to empower IDPs economically, pluralistic economic zones should be created in which economic networks were developed, small-scale self-subsistence projects introduced, the skills of IDPs identified and women's involvement assured. In addition, incentives should be provided to communities that worked towards and succeeded in creating a climate of safety and peace for economic activities.

96. **Information systems**. Guidelines should be developed to improve the collection, compilation and verification of data. The information should provide a picture of IDPs in specific crisis areas as well as an overview of the entire IDP situation, and also provide information about the rights of IDPs and the programmes that existed to assist them. To that end, focal points should be designated at the provincial, district, subdistrict and national levels to collect information from the Government as well as from NGOs and other independent sources so as to enrich the information available from Bakornas PBP.

97. **Coordination**. Steps should be taken to establish a National Commission on Internally Displaced Persons and Community Recovery (Komnas Pengungsi) as a non-governmental partner of Bakornas PBP. As noted above, it would work together with the district, provincial and national arms of Bakornas PBP and also bring together all other relevant actors (international organizations, NGOs, civil society) so as to improve coordination of assistance to IDPs and encourage more effective law and policy. IDPs themselves would actively participate at the local level. Further, the Commission would develop strategies that would incorporate the Guiding Principles on Internal Displacement and disseminate them to the public and to IDPs.

IX. CLOSING OF SEMINAR

98. The seminar was closed by the Vice-Governor of Central Kalimantan province, Nahson Tawai, representing the participants from the 10 provinces. He expressed the hope that a national commission for IDPs would be created and that future seminars would be held,

especially outside of Jakarta. The seminar also heard closing remarks by Staffan Bodemar, the Seminar Coordinator, Raymond Hall, UNHCR Regional Representative, who also chaired the session; Roberta Cohen, Imam Prasodjo and Michael Elmquist, Deputy Humanitarian Coordinator and Chief of OCHA Indonesia. All agreed that it was very important that all the participants had had the opportunity to share views on the problem of internal displacement and expressed the hope that the Government's declared support for the establishment of a national commission for IDPs would lead to a more comprehensive approach to dealing with internally displaced persons in Indonesia. They expressed the view that the Guiding Principles should be the framework for the proposed commission. They also expressed the hope that a network would develop as a result of the seminar and that the findings and recommendations of the seminar would be promoted by the participants and help to enrich policy and programmes on behalf of the internally displaced.

Notes

[1] Owing to unforeseen circumstances, the Representative was unable to be present, but it was agreed that the seminar would go forward and Mr. Deng sent a personal representative to speak on his behalf.

[2] Mr. Deng's welcoming remarks were read out by Roberta Cohen, Co-Director of the Brookings-CUNY Project on Internal Displacement.

[3] Mr. Deng's statement was read out by Sivanka Dhanapala, the Representative's New York representative.

[4] Ms. Reyaan's statement was read out by Piet Pustamu, Head of Public Works in Maluku, on behalf of the Vice-Governor, who was unable to attend.